

119TH CONGRESS
2D SESSION

S. RES. 790

Recognizing and honoring the 27th anniversary of the Supreme Court decision
in *Olmstead v. L.C.*

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2026

Ms. DUCKWORTH (for herself, Mr. SCHUMER, Mr. DURBIN, Mr. SANDERS, Mr. WYDEN, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. MARKEY, Mr. BENNET, Mr. LUJÁN, Mr. KIM, Ms. HASSAN, and Ms. BLUNT ROCHESTER) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Recognizing and honoring the 27th anniversary of the
Supreme Court decision in *Olmstead v. L.C.*

Whereas there are over 70,000,000 adults with disabilities
living in the United States;

Whereas section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (referred to in this resolution as “section 504”) prohibits discrimination on the basis of disability in all federally assisted programs or activities and laid the foundation for the passage of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this resolution as “the ADA”);

Whereas, in 1977, the former Department of Health, Education, and Welfare issued implementing regulations for

section 504 requiring recipients of Federal funds to provide services and programs in a manner that affords people with disabilities an “equal opportunity to obtain the same results, to gain the same benefit, or to reach the same achievement, in the most integrated setting appropriate to the person’s” needs (sections 84.4(b)(1)(iii) and 84.4(b)(2) of title 45, Code of Federal Regulations, as in effect on the date of issuance);

Whereas, in 1978, the Department of Health, Education, and Welfare issued a similar rule requiring recipients of funds from the Department to “administer programs and activities in the most integrated setting appropriate to the needs of qualified” persons with disabilities (43 Fed. Reg. 2132);

Whereas, in 1978, Congress amended section 504 to strengthen and clarify its nondiscrimination requirements, thereby ratifying the 1977 and 1978 regulations and incorporating the regulations into the Rehabilitation Act of 1973;

Whereas, in the ADA, Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas, through passage of the ADA, Congress intended that forms of discrimination prohibited under section 504 and its implementing regulations, including unnecessary segregation, be prohibited under the ADA as well;

Whereas, on June 22, 1999, the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (referred to in this resolution as “the Olmstead decision”), held that under the ADA, States must offer qualified individuals with disabili-

ities the choice to receive their long-term services and support in a community-based setting;

Whereas the Supreme Court recognized in the Olmstead decision that “institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life”;

Whereas the Supreme Court further recognized that “confinement in an institution severely diminishes the everyday life activities of individuals, including activities involving family relations and social contacts, work options, economic independence, educational advancement, and cultural enrichment.”;

Whereas the Olmstead decision and the integration mandate of the ADA and section 504 have repeatedly been affirmed by courts across the United States, by Congress, and in Federal regulations and guidance, prohibiting States from forcing people with disabilities into segregated settings, such as psychiatric hospitals, nursing homes, segregated schools, and sheltered workshops, when those people could be served in their homes and communities;

Whereas, as a result of the integration mandate, many individuals with disabilities have been able to live in their own homes and community-based settings, rather than institutional settings, and to become productive members of the community, particularly through access to home- and community-based services through the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (referred to in this resolution as “the Medicaid program”);

Whereas, despite 5 decades of legal requirements, many individuals with disabilities continue to live in segregated institutional settings, where they face abuse and neglect and limitations on their individual freedoms, including solitary confinement;

Whereas, on June 18, 2026, 4 days before the 27th anniversary of the Olmstead decision, the Department of Justice issued a deeply flawed opinion that rejects the integration mandate and threatens the hard-won progress towards full integration of individuals with disabilities into society in the United States;

Whereas the Department of Justice’s opinion does not overrule decades-old integration and nondiscrimination requirements under section 504, the ADA, or the Olmstead decision; and

Whereas the Department of Justice admits in its own opinion that its interpretation of the Olmstead decision is “out of step with common understanding of that decision within Federal courts”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes and honors the 27th anniversary
3 of the Supreme Court decision in *Olmstead v. L.C.*,
4 527 U.S. 581 (1999);

5 (2) salutes all people whose efforts have con-
6 tributed to the expansion of home- and community-
7 based long-term services and supports for individuals
8 with disabilities;

1 (3) affirms the Olmstead decision’s vital impor-
2 tance to ending the unjustified institutionalization
3 and segregation of individuals with disabilities;

4 (4) condemns—

5 (A) the Department of Justice’s incorrect
6 and arbitrary interpretation of the Olmstead
7 decision and its misperceptions about what
8 Congress intended; and

9 (B) the recent cuts, and any future cuts,
10 to the Medicaid program, including the estab-
11 lishment of burdensome work-reporting require-
12 ments and other barriers, which puts the health
13 of individuals with disabilities at risk and
14 hinders the progress made since the enactment
15 of section 504 and the ADA; and

16 (5) calls on—

17 (A) the Department of Justice to imme-
18 diately rescind its opinion that was issued on
19 June 18, 2026, concerning the integration man-
20 date of title II of the ADA and section 504; and

21 (B) Congress to work in a bipartisan man-
22 ner to reverse the biggest cut to Medicaid in
23 history and increase funding for home- and
24 community-based services.

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